

*Citation for published version:*

Purdekova, A 2019, 'Rectified Sites of Violence from Westgate to Lampedusa: Exploring the Link between Public Amnesia and Conflict in Ongoing Confrontations', *International Journal of Transitional Justice*, vol. 13, no. 3, pp. 504-523. <https://doi.org/10.1093/ijtj/ijz021>

*DOI:*

[10.1093/ijtj/ijz021](https://doi.org/10.1093/ijtj/ijz021)

*Publication date:*

2019

*Document Version*

Peer reviewed version

[Link to publication](#)

This is a pre-copyedited, author-produced version of an article accepted for publication in *Transitional Justice* following peer review. The version of record Andrea Purdeková, Rectified Sites of Violence from Westgate to Lampedusa: Exploring the Link between Public Amnesia and Conflict in Ongoing Confrontations, *International Journal of Transitional Justice*, , ijz021, is available online at: <https://academic.oup.com/ijtj/advance-article/doi/10.1093/ijtj/ijz021/5571886>

**University of Bath**

## **Alternative formats**

If you require this document in an alternative format, please contact:  
[openaccess@bath.ac.uk](mailto:openaccess@bath.ac.uk)

### **General rights**

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

### **Take down policy**

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

**Rectified Sites of Violence from Westgate to Lampedusa:  
Exploring the Link between Public Amnesia and Conflict in Ongoing  
Confrontations**

**ABSTRACT**

The paper investigates whether and how public amnesia of violent incidents such as mass drownings or mass killings impacts ongoing conflict dynamics. Specifically, the paper compares and contrasts two forms of public amnesia in the relatively little-studied space of the rectified site- a site of violence returned to prior use without 'monumentation' or commemoration. Looking at the unmarked sites of violence in East Africa's confrontation with Al-Shabaab such as the Westgate Mall and the Mediterranean crossings within the system of migration deterrence, the paper asks: How do rectification practices and associated public production of silence feed into conflict dynamics and conflict transformation? The paper shows that while public amnesia tends to entrench the confrontation, recognition through commemoration needs to be calibrated carefully in order to avoid further conflict escalation. Epistemic redress must precede physical and symbolic memory work in rectified sites of violence.

**KEYWORDS:** memory-conflict nexus; politics of amnesia; memory at the interstice; transit justice; epistemic redress.

**INTRODUCTION**

Places of memory, memorials and sites of violence are typically viewed through their extraordinary status, as signposts to a powerfully unsettling past. They are read for the meanings that they imbue and communicate, the symbols they become, however fraught or imprecise. This study takes different sorts of places as its subject, the unmarked or

uncontained spaces of memory known as ‘rectified sites,’<sup>1</sup> places that are not stylized and that by choice or due to inevitability, slip back to public, mundane use after violence, and yet remain emblematic as spaces of symbolic and political charge.

The paper aims to investigate the vector and nature of this charge: Does public amnesia— as in active state silence on acts of violence symbolized by rectified sites— impact on conflict dynamics, and if so, how? How does active public forgetting intersect with unfolding conflict? Does public amnesia entrench or diffuse a confrontation? By comparing rectified sites of violence in East Africa’s confrontation with Al-Shabaab and sites of drowning in Mediterranean crossings resulting from the regional architecture of deterrence, the paper investigates how spaces of violence are and should be reclaimed and by whom. It posits, first, that while informal commemorative activities do exist, these cannot sublimate the public silence in/about spaces of violence. Second, the paper posits that absent memory and unmarked spaces of violence are endogenous to ongoing conflict dynamics, rather than separated from them, and create feedback loops to the unfolding conflict.

By tackling the puzzle of (non)commemoration and active forgetting of violence in contexts of *ongoing* confrontation, the paper de-centers dominant TJ concerns over memory from the present to the absent, and from the space of the post- to the ‘interstice’— the lingering in-between of conflict onset and resolution that defines many contemporary confrontations. Commemoration is usually ‘of’ conflict, not ‘within’ conflict. The hold of the post- imperative remains strong in TJ as evidenced in some of the most recent conceptual and empirical monographs in the field.<sup>2</sup> That few societies

---

<sup>1</sup> See Kenneth E. Foote, *Shadowed Ground: America’s Landscapes of Violence and Tragedy* (Austin, TX: University of Texas Press, 2003).

<sup>2</sup> In *The Conceptual Foundations of Transitional Justice*, Colleen Murphy sets out her analysis by stating that ‘the term transitional justice is generally taken to refer to formal attempts by postrepressive or postconflict societies to address past wrongdoing.’ See Colleen Murphy, *The Conceptual Foundations of Transitional Justice* (Cambridge University Press, 2017), 1. In *Performances of Injustice* on the recently concluded Kenyan TJRC process, Gabrielle Lynch similarly conceptualizes TJ as dealing with ‘unjust histories.’ Gabrielle Lynch, *Performances of*

implementing TJ can be classed as post-repressive or post-conflict is now well established. The boundaries of reckoning with mass violence in dominant approaches to TJ have increasingly been challenged on account of partial, stalled or reversed political and peace transitions, questioning the double-transition paradigm.<sup>3</sup> Contexts that depart from normative TJ are far from unique and push us to consider the fates of TJ experiments in ‘illiberal peace-builders’<sup>4</sup> under ‘repressive peace,’<sup>5</sup> under violent transitions, and the implications partial transitions, even reversed transitions. In short, argue authors such as Dustin Sharp, we need to free ourselves from the grip of the ‘paradigmatic transition.’<sup>6</sup>

This paper builds on these emerging debates, applying questions of redress to contexts of continued tension, violence, and ongoing confrontation.<sup>7</sup> The paper challenges the notion that redress must occur *after* decisive de-escalations ending seemingly concrete events such as ‘war’ and after salient markers of transformation such as peace processes. Similarly, it probes the dominant focus on injustice arising in contexts of large-scale, organized violence. Migrant deterrence and (counter-)terrorism are rarely studied under the TJ rubric<sup>8</sup> and yet these low-intensity, protracted confrontations pose similar questions and challenges. These powerful confrontations

---

*Injustice: The Politics of Truth, Justice and Reconciliation in Kenya* (Cambridge University Press, 2018).

<sup>3</sup> See e.g. Dustin Sharp, ‘Emancipating Transitional Justice from the Bonds of the Paradigmatic Transition,’ *International Journal of Transitional Justice* 9(1) (2015): 150-169.

<sup>4</sup> Ricardo Soares de Oliveira, ‘Illiberal Peacebuilding in Angola,’ *Journal of Modern African Studies* 49 (2) (2011): 287-314.

<sup>5</sup> Ingrid Samset, ‘Building a repressive peace: The case of post-genocide Rwanda,’ *Journal of Intervention and Statebuilding* 5 (3) (2011): 265-283.

<sup>6</sup> Sharp, *supra* n 3.

<sup>7</sup> For an exception, see Pilar Riano Alcala and Maria Victoria Uribe, ‘Constructing Memory Amidst War: The Historical Memory Group of Colombia,’ *International Journal of Transitional Justice* 10 (2016): 6-24.

<sup>8</sup> For exceptions, see works that highlight TJ blind spots in the broader areas of terrorism and displacement: Elena Sciandra, ‘Facing States of Fear: The Emerging Issues of Terrorism and Counterterrorism in Transitional Justice,’ Chapter 6 in S.N. Romaniuk et al (eds), *The Palgrave Handbook of Global Counterterrorism Policy* (Palgrave, 2017) and Lucy Hovil, ‘The Nexus between Displacement and Transitional Justice: A Gender-Justice Dimension,’ *ICTJ Research Brief*, June 2013.

produce systematic violence with a staggering human cost where responses are typically implicated in furthering and entrenching the confrontation.

The focus here on acute, low-intensity confrontations aims to push us to expand TJ temporalities (the 'when' of TJ) as much as its spatial limits (the 'where' of TJ). Ongoing confrontations crossing boundaries such as (counter)-terror campaigns and migrant deterrence reflect the problem of leaving TJ as a business of the 'post' (-conflict) or 'within' (a nation state) and ask of us to produce conceptual tools and theories more fully attuned to the challenges of our time. The paper advances concepts and builds theory around the linkage between memory and conflict, and the role of commemoration and witnessing in rectified space. It charts new areas of study in interstitial justice (i.e. justice of the in-between, the limbo), transit justice (i.e. redress for *en-route* violence), (mass) crimes of deterrence and memory of (counter)terrorism.

The paper studies the conflict charge of public amnesia through the lens of the rectified site and concrete cases of rectification, spaces not systematically explored either as a unique phenomenon or in specific iterations. Since rectified sites remain publicly un-commemorated, they are unlike sites typically studied under the rubric of TJ. They remain outside the 'global rush to commemorate atrocities,'<sup>9</sup> perhaps most visible in Rwanda and South Africa, and as such pose different questions. These are not debates about the 'postwars of the dead'<sup>10</sup> as these confrontations are far from over. Equally, the debate is not about partial or politicized memory (e.g. Rwanda)<sup>11</sup> or organized oblivion and politically expedient neglect (e.g. Sri Lanka, DRC, Burundi). Instead, the debate is about when and how these sites should be commemorated in the

---

<sup>9</sup> Paul Williams, *Memorial Museums: The Global Rush to Commemorate Atrocities* (Oxford, Berg 2007).

<sup>10</sup> Richard Werbner, 'Smoke from the Barrel of a Gun: Postwars of the Dead, Memory and Inscription in Zimbabwe,' In *Memory and the Postcolony: African Anthropology and the Critique of Power*, Richard Werbner (ed) (London, Zed Books: 1998)

<sup>11</sup> Elisabeth King, 'Memory Controversies in Post-Genocide Rwanda,' *Memory Studies* 3(4) (2010): 330-343.

first place, and how absence of public memory is in itself productive of political and conflict dynamics.

The paper purposefully chooses two different types of rectified site to think through the conceptual and empirical expansion in TJ. What joins spaces as distant as the Westgate Mall and a mass drowning site off Lampedusa is the politics and impact of the unmarked and the unaccounted. But their differences are instructive too as the anatomies of memory absence diverge somewhat. The ongoing confrontation with salafi jihadi groups in Kenya and Somalia has generated multiple sites of 'terrorist' and 'counter-terrorist' violence that have received no public recognition. In Kenya, the confrontation layers on histories of tension and exclusion, in Somalia on decades-long violence. Yet no formal mechanisms of redress and commemoration exist for the two confrontations. Spaces like the Westgate Mall or Garissa College slip back to daily use, becoming mundane and extraordinary at once.

The violence of transit at Mediterranean sea crossings not only produces unmarked (and often unmarkable) sites but lacks a justice frame altogether. As will be shown, this is underpinned by a deeper absence of a missing vocabulary and epistemic space for TJ interventions. The lacunae of the violence of transit reach deeper, beyond politically produced amnesia or paradigmatic neglect, to the lack of vocabularies and epistemic recognition: How should we speak about mass migrant deaths in terms relevant to redress? And while both sets of sites challenge the temporalities of TJ, the violence of transit challenges its geographies as well.

Despite this differentiation, an overarching argument emerges, and namely that while public amnesia tends to entrench ongoing confrontations, recognition in form of commemoration needs to be calibrated carefully in order to assure de-escalation rather than escalation of conflict, as selective remembrance can become counter-productive. In both cases, epistemic redress must precede/pave way for attempts at political redress and symbolic redress in sites of violence. The paper also urges us to pay close attention

and distinguish between different layers and types of amnesia and silence. For this, memory acts and recognition need to simultaneously come to the site and abandon it. They need to forge nodes of reflection that reach beyond the site and its singular violence to include forces of violence invisible or distant to the site.

The paper draws on qualitative methods and on diverse sources, both primary and secondary, spanning observation, informal discussions, and material and symbolic archives in the form of physical sites, memorial designs and informal commemoration both online and offline. The original primary material for this paper has been gathered during a trip to Kenya in August 2018, when the author had the opportunity to visit the Westgate Mall on a number of occasions as well as informal memorial initiatives such as the Amani peace garden in the Karura forest and had the opportunity to chat with members of the Sakuma Twende Group who designed and financed the project. The author has also visited a number of other official and informal sites of memory of violence in Kenya including the site of the 1998 Al-Qaeda bombings in Nairobi, the UN memorial to the same event, to place the aforementioned sites in context. The Somalia case study incorporates primary data in the form of memorial design and official speeches, but does not draw on fieldwork. The Lampedusa case study draws on secondary material. The paper looks at actual memorial practices, but besides this considers a more unique archive: that of materiality of sites and its transformation, including the re-design and repurposing, reconstruction and re-opening, fortification or normalization on sites. All of these different forms of material inscription and practice can serve as vital text for deciphering the way in which memory, forgetting and conflict intersect. Overall, while primary data has been gathered and utilized, the paper is mainly a conceptual exploration, supported by and rooted in concrete spaces and experiences of rectification.

## CONCEPTUAL FRAMEWORK

### The Rectified Site

The paper borrows Kenneth Foote's concept of 'rectification' from the memory literature, but applies it specifically to ongoing violence and TJ concerns. The paper uses the concept to refer to and analyze publically uncommemorated sites of political violence *in ongoing crises*. These sites are returned to their previous use without mark or ceremony and become part of everyday life such as the Westgate Mall in Nairobi, Kenya or the K-5 intersection in Mogadishu, Somalia. Taking public silence as a departing point, the paper diverges from dominant academic concerns with the politics of commemoration in the wake of violence where such public memory work *is* ongoing.

TJ scholarship has certainly paid attention to the many meanings of silence. There is now burgeoning, critical literature on public memory in the wake of conflict, describing its partiality and erasures, as well as its politicization.<sup>12</sup> But the sites under study here are distinct. These are not quite 'disavowed memorials'<sup>13</sup> or 'conspicuously neglected sites'<sup>14</sup> or public memorials doubling as 'sites of forgetting,'<sup>15</sup> or sites of 'underprivileged memory.'<sup>16</sup> They also differ from more recent research on failed

---

<sup>12</sup> see King, *supra* n. 6; Rachel Ibreck, 'The Politics of Mourning,' *Memory Studies* 3(4) (2010): 330-343; Jens Meierhenrich, 'Topographies of Remembering and Forgetting: The Transformation of Lieux de Memoire in Rwanda,' in *Remaking Rwanda: State Building and Human Rights After Mass Violence*, Scott Strauss and Lars Waldorf (eds) (Madison: University of Wisconsin Press 2011): 283-296.

<sup>13</sup> Timothy Longman, *Memory and Justice in Post-Genocide Rwanda* (Cambridge University Press: 2017); 86.

<sup>14</sup> *Ibid*, 85.

<sup>15</sup> *Ibid*, 86; 'a site where leaders have pointedly ignored past events and removed their traces in an effort to obliterate their memory'

<sup>16</sup> *supra* n 8 at 285.



memorial projects,<sup>17</sup> and unfinished memorials,<sup>18</sup> ‘accidental memorials’<sup>19</sup> or deposed monuments.<sup>20</sup>

The sites under study are spaces of active public silence. While informal commemoration does take place offsite in many different forms from vigils to cyber-memorials, church services and more, this does not ‘fill’ the public memory void onsite and offsite. The lacunae of memory are not without a political charge and constitutive power, and, as I argue, in fact constitute the confrontation and enable its progress. From the politics and violence of the already inscribed, these sites refocus our attention on the political charge of the un-inscribed.

But public memory voids are not all the same and the two sets of sites chosen here show overlapping aspects but also differing challenges. Arguably, the void of migrant transit sites is more complex and layered than that of sites of violence within the state. Transit sites are not interstitial in a temporal sense only, as in lying in between beginnings and ends of conflict. The interstice here is also spatial (in between of states) and epistemic (outside prevailing vocabularies and concepts of redress). Transit deaths thus challenge not only temporality but the location of TJ and the types of violations that merit attention: How do we name, recognize and commemorate transnational crimes of transit?

Perhaps most importantly, these are not only sites where conflict imprints in a manner of physical violence, but where, as a result, sites start participating in both meta-conflict—the conflict over the nature of the conflict— through verbal and spatial encoding such as fortification, reopening, silence phrased as triumphalism, and in

---

<sup>17</sup> Sebina Sivac-Bryant, ‘The Omarska Memorial Project as an Example of How Transitional Justice Interventions Can Produce Hidden Harms,’ *International Journal of Transitional Justice* 9(1) (2014): 170-180.

<sup>18</sup> E.g. Zoe Cormack, ‘The Spectacle of Death: Visibility and Concealment at an Unfinished Memorial in South Sudan,’ *Journal of Eastern African Studies* (2017): 115-132.

<sup>19</sup> Alex deWaal and Rachel Ibreck, ‘Alem Bakagn: The African Union’s Accidental Human Rights Memorial,’ *African Affairs* 112 (447) (2013): 191-215.

<sup>20</sup> as part of the decolonial movement such as Rhodes Must Fall

conflict itself, through memory suppression and politicized amnesia. The following section looks at the relationship between memory and conflict more closely.

### **Memory, Amnesia and Conflict**

Rectified sites pose pointed questions to the available peace and conflict, TJ and memory literature. Specifically, they challenge the dominant TJ paradigm and the view of memory and commemoration as i) a form of reckoning with a gone-by past occurring 'after' violent conflict, ii) as an inherently *peace-inducing* measure; and iii) as unfolding in a politically liberalizing space. To achieve this, the paper investigates the (non)reckoning with a past in a still polarized and violent social context, during a time of securitization and democratic closure on its account, and puts the peace-building assumption to scrutiny, asking: Does public dis-engagement with memory work to escalate or de-escalate the ongoing conflict, and what are the pathways?

The common construal of commemoration as an a posteriori act and one that has peace enhancing potential has been increasingly questioned, with scholars speaking of commemoration *in* conflict<sup>21</sup> and commemoration *as* conflict,<sup>22</sup> where commemorative events in societies such as Northern Ireland or Palestine can in fact serve to assert 'limits to solidarity'<sup>23</sup> and entrench the confrontation. The present paper builds on this emerging literature in two ways. If work on the commemoration-conflict nexus is emerging, work on the linkage between amnesia and conflict is largely absent. Much more systematic research is also needed to answer questions of 'under what

---

<sup>21</sup> Brendan Browne, 'Commemoration in Conflict,' *Journal of Comparative Research in Anthropology and Sociology* 4(2) (2013): 143-164.

<sup>22</sup> Sara McDowell and Maire Braniff (Eds), *Commemoration as Conflict: Space, Memory and Identity in Peace Processes* (Palgrave, 2014); J.E. Tunbridge and G.J. Ashworth, *Dissonant Heritage: The Management of the Past as a Resource in Conflict* (Wiley, 1996).

<sup>23</sup> Browne, *supra* n 17 at 144.

conditions and in which ways are commemorative acts and amnesia transformative of conflict?’

Though the link between memory and conflict has been explored both broadly<sup>24</sup> and in specific contexts, available literature tends to focus on deep historical narratives and myths, the representations, grievances and emblematic events anchoring those narratives, and the way these have been mobilized in later episodes of conflict. The Hamitic Myth in Rwanda or the Kosovo Pole narrative in former Yugoslavia have been some of the most cited examples of historical narratives fuelling and justifying violent conflict. Volkan’s influential concept of ‘chosen traumas’<sup>25</sup> is central to this line of inquiry, pointing to selective traumatic events carried over time in collective memory and transferring grievance over time via retelling and memory ritual.

Interstitial sites, however, do not fit the dominant concern over deep history and its recycling into conflict in contexts as diverse as Rwanda and former Yugoslavia. Instead, here we deal with the ‘instant past,’ the impact of violent events proper to the ongoing conflict. And we do not simply look at the uses of memory of violence, but the uses of amnesia and its own impacts on social and conflict dynamics. The focus on politicized historical narratives and chosen traumas eschews the issue of public amnesia since it, after all, looks at what *is* being carried in memory. Volkan’s conception is also distinctly nation-state bound and does not easily apply to the violence of transit. Which nation or collectivity will claim mass drownings as a historical scar carried over time to perpetuate cycles of conflict? Lastly, the cast of analysis is in the direction of memory as a factor contributing to conflict, rather than a more open-ended exploration allowing for different causal directionalities.

---

<sup>24</sup> Barbara Tint, ‘History, Memory and Intractable Conflict,’ *Conflict Resolution Quarterly* 27(3) (2010).

<sup>25</sup> Vamik D. Volkan, ‘Transgenerational Transmission and Chosen Traumas: An Aspect of Large-Group Identity,’ *Group Analysis* 34(1) (2001).

Another line of inquiry links memory's absence to peace. Here, forgetting is portrayed as a way to prevent destabilization, disruption of fragile local equilibriums of coexistence or re-traumatisation. The findings on preferences for amnesia draw from empirical works in divided, post-war local contexts such as Rwanda and Burundi.<sup>26</sup> Local narratives on forgetting are far from straightforward and unproblematic, however, as they often result from an uneasy combination of pragmatism, imperatives of local coexistence in deeply divided societies, but also carefulness, dejection, and adoption of silence as a safety measure in contexts where memory is politicized. At the national level, governments can also re-narrate silence as triumphalism, or as a way to vanquish the past and build unity. Besides these preferences and incentives, amnesia's links to conflict are yet to be systematically ascertained, especially in ongoing confrontations. But even if amnesia is found to contribute to conflict, this does not mean that public memory work will automatically have the opposite effect. The two must be considered separately.

Wendy Lambourne offers us a useful tool to think through rectification and the memory-conflict puzzle in ongoing confrontations. She argues that the term 'transitional justice' should give way to a more productive term of 'transformative justice.'<sup>27</sup> The latter eschews constricting assumptions about transition and becomes applicable to a broader set of contexts, including those of ongoing tension and confrontation. In this study, I apply the transformative lens particularly to commemoration and its absence. I investigate 'transformative amnesia' in addition to 'transformative memory,' asking

---

<sup>26</sup> Peter Uvin and Ann Nee, 'Silence and Dialogue: Burundian's Alternatives to Transitional Justice' in Rosalind Shaw et al (eds), *Localising Transitional Justice* (Stanford: Stanford University Press, 2010); Bert Ingelaere, 'Living Together Again. The Expectations of Transitional Justice in Burundi- A View From Below', IOB Working Paper (2009); Marita Eastmond and Johanna M. Selimovic, 'Silence as a Possibility in Post-War Everyday Life,' *International Journal of Transitional Justice* 6(3) (2012).

<sup>27</sup> Wendy Lambourne, 'Transitional Justice and Peacebuilding after Mass Violence', *International Journal of Transitional Justice* 3 (1) (2009): 28–48.

whether and how different forms of silence symbolized by and inscribed into rectified sites of violence interact with and influence the unfolding confrontation.

## **MEMORY IN CRISIS I**

### **TRIUMPHALISM & OBLIVION: THE POLITICS OF PUBLIC AMNESIA IN EAST AFRICA'S 'WAR ON TERROR'**

The confrontation with the militant *salafi jihadi* group Al-Shabaab in Kenya and Somalia has over the past decade produced its own landscape of sites of violence, from hotels to schools, shopping malls to intersections. What joins them is a public silence on the past. Though informal and private forms of memory exist, these sites are not publically inscribed, memorialized or investigated. The confrontation in question does not simply encompass the spectacle of Al-Shabaab's attacks but equally the violence of disappearance and detention in counter-terror measures. What explains the amnesia and does it impact the ongoing conflict?

This section considers three concrete sites of Al-Shabaab violence as a way to work through this quandary—the Westgate Mall in Nairobi, Kenya, the Garissa University College in Garissa, Kenya and the K-5 intersection in Mogadishu, Somalia. All three share the status of dark icons: these are sites of the most spectacular attacks that are at once well-known markers and yet restored to mundane use in the wake of violence. In all three cases, I outline the nature of the public amnesia, what repurposing and revising of these sites betrays about the ways in which amnesia is channeled into particular action, and I place them within broader contexts and layers of violence and silence that reach much beyond the site.

Importantly, the public silence does not mean there is no memory work ongoing. Diverse forms of informal and private commemoration take place, at home, in local

churches and shrines,<sup>28</sup> and in public spaces online and offline. Vigils, talks and movies have been organized by private citizens to remember the Westgate attacks. A civic organization Sukuma Twende Group has raised money from donations and put up the Amani memorial garden and monument in tranquil expanse of the Karura forest at the outskirts of Nairobi.<sup>29</sup> In Garissa, a group of activists have organized a sleep-in in the dormitories where the attack took place to symbolically reclaim the space. A group of private citizens here too raised funds and put up a monument listing names of victims in a memorial garden on the premises of the school. In Mogadishu, a young Somali architect has produced concrete designs of a memorial for the K-5 bombings, actively promotes the idea of a memorial online, and has managed to gain the attention of the local Benadiri authorities.

By focusing on the public sphere, the paper is not trying to discount these varied informal memorial forms and activity. But it takes seriously the silence at the national level and the controversy that it has caused as indicative of not only the political underpinnings of state-level amnesia but also its real effects on the unfolding confrontation. The lack of public inscriptions on Al-Shabaab attacks in Westgate contrasts starkly with the dedicated memorial and the commemorative events of the 2002 Al Qaeda bombings of the American Embassy in Nairobi. Commissions of inquiry into the Westgate and Mpeketoni attacks were promised by the Kenyan government but never delivered. The lack of public memory work is thus not just an omission, but an active form of silence.

The Westgate shopping mall, an upscale retail centre in the Westlands area of Nairobi, became a dark icon on the cityscape when the then-largest Al-Shabaab attack was staged here on 21 September 2013. The attack claimed 71 lives and it took days for

---

<sup>28</sup> For example, there was a prayer group at the nearby Jain Oshwal Centre one week after the attack.

<sup>29</sup> Interview with a Sukuma Twende Group member, Nairobi, August 18, 2018. Visit to Amani garden, Nairobi, August 13, 2018.

the security forces to neutralize the attackers. The slow security response gave rise critique, questions, and rumor. The exact details of the attack remain unclear five years later as no official inquest took place. The mall – a site of siege, killings and state intervention— was closed by the government, only to be re-opened two years later in the summer of 2015. No official memory work, commemoration or monument would mark the attack, before or after the re-opening. People wishing to commemorate were left to their own devices, online and offline, but mainly off-site. The memory controversy that ensued was captured in powerful headlines and cartoons: ‘On the anniversary of the Westgate attack, Kenya is at risk of forgetting it ever happened,’<sup>30</sup> or ‘Forgetting Westgate: how Kenya erases terrorism.’<sup>31</sup>

Indeed, the Westgate Mall today bears no mark of its violent past. The glitzy interiors are filled with luxury brands, soft background music and the murmur of falling water. But the site of the mall does offer ways of reading the erasure and forgetting captured in the headlines above as a presence that is productive, both politically and vis-à-vis the unfolding confrontation. The re-opening, restructuring and re-inhabiting of the mall show how public amnesia is produced and becomes productive. Two memory labors in particular deserve our attention– the reopening that phrased and monumented amnesia as triumphalism, and the physical reconstruction that answered violence with fortification.

The re-opening of the Westgate Mall might have been accompanied by absence of public commemoration and demarcation of the 2013 attack, but a transcript *on* memory was nonetheless produced. The opening was marked by speeches by Nairobi’s then-governor Evans Kidero and Inspector General of Police, Joseph Boinnet, who

---

<sup>30</sup> Lily Kuo, ‘On the anniversary of the Westgate attack, Kenya is at risk of forgetting it ever happened,’ Quartz Africa, September 21, 2016, available online at: <https://qz.com/africa/787125/on-the-anniversary-of-the-westgate-attack-kenya-is-at-risk-of-forgetting-it-ever-happened/>

<sup>31</sup> ‘Forgetting Westgate: how Kenya erases terrorism,’ news 24, September 9, 2017, available online at: <https://www.news24.com/Africa/News/forgetting-westgate-how-kenya-erases-terrorism-20170909>.

proclaimed Westgate as a 'new symbol of courage and resilience, strength and fortitude.'<sup>32</sup> Amnesia itself was to be a monument. The absence of an index and investigation was to be overtly dictated by triumphalism.

The political expediency of the amnesia was, nonetheless, clear to see and brought to the fore a tension between the official narrative of triumphalist silence and a counter-narrative of amnesia as suppression. The Westgate Mall is not only a memory of profound insecurity meted out by four members of Al-Shabaab, of people killed, preyed upon and hiding, it is also a testament to the instability to secure, a narrative on the state. The two cannot be easily disentangled. First, there is the issue of the prolonged attempt to free hostages and to neutralize the attackers. The siege took four days but most victims lost their lives in the first hours. Further to this, videos emerged showing that 'soldiers looted shops and blasted open safes'<sup>33</sup> during the operation. In contrast, the nearby Oshwal Community Centre and the Jain community self-organized to help in rescue and response efforts. A non-state actor became the hero of the story, with further narratives emerging around the conspicuous absence of the state in crisis management efforts.

The Westgate site thus doubles not only as a space of attack but a space of government response and state 'shame.' Transcript on the attack is the transcript on the state. The siege ended with an explosion of the back part of the mall that buried the attackers under rubble. What was at stake in investigating the attack would not be discussed, but it would be nonetheless powerfully asserted and inscribed right into the mall's structure.

The 'fortitude' that Kidero and Boinnet mentioned in their re-opening speeches is indeed what remained after the attack. Narrative was replaced with force,

---

<sup>32</sup> 'Kenya's Westgate Mall Re-opens,' Business Daily, July 28, 2015, available online at: <https://www.businessdailyafrica.com/corporate/Kenya-Westgate-Mall-reopens/539550-2798172-m6ft1x/index.html>

<sup>33</sup> 'Forgetting Westgate,' op cit 32.



vulnerability and insecurity at the heart of the memory were overlayed with an excess of security measures. The Westgate Mall was visibly fortified, with an Israeli firm IRG now in charge of security. The X-ray machines at the entrance have been accompanied by sniffer dogs, explosives detectors, bullet-proof guard towers and boosting of security personnel. There are multiple security guards at the entrance, at the back of the mall by the ramp and inside the mall as well. A 'no stopping at any time' sign has been put up close to the place where the armed men stopped their vehicle. The ramp entrance at the back through which two of the attackers accessed the roof remains closed off.

Fortification is the most salient change and fits with the narrative of triumph. Fortification of Westgate symbolically 'rectified' the past and thus put it to rest. It created amnesia and memory as a non-issue. By discursively framing this incident as a security issue, remembrance became not only 'of' vulnerability, but vulnerability itself, in need of diffusion. The re-opening of a fortified mall symbolically rewound the clock and made a transcript on vulnerability and insecurity seemingly *pasé*.

Other spaces of Al-Shabab attack in Kenya show similar memory dynamics. The Garissa University College located in the northern town of the same name is a place of another major attack in April 2015 that claimed 148 student lives. The university was closed for nine months before being 'quietly' re-opened<sup>34</sup> by the government without any mark or major ceremony, though it was renovated, repainted, and importantly, fortified. The gate to the university premises that used to be open in the past has been closed and is manned by armed police. There is a new administrative police post headed by a chief inspector, a perimeter wall fitted with razor wire and a 24-hour CCTV. Three watchtowers are manned by armed security men. No one is allowed in without either an ID or permit issued by local authorities. Just as in the case of Westgate, a defensive

---

<sup>34</sup> Lily Kuo, 'Kenya's Garissa University Quietly Re-opens, Nine Months After Militants Massacred Students,' Quartz Africa, January 4, 2016, available online at: <https://qz.com/africa/585506/kenyas-garissa-university-has-reopened-nine-months-after-militants-massacred-students/>

security response in the form of fortification dominates over measures focused on transformation of core conflict drivers.

Despite the security measures, 'students have been apprehensive of the institution and have been seeking transfers.'<sup>35</sup> In a historically marginalized region of Kenya, with difficult memories of the state intervention and tense state-society relations,<sup>36</sup> the attack on and the effective weakening of the first and only university in the region has further underlined both the success of the attacks and the inability of the government to extricate itself from a longer past of securitization of Kenya's northern frontier areas and the violence it itself visited upon them. The public amnesia on Al-Shabaab violence in Garissa, along with the politicized and openly contested closure, re-opening and fortification thus become paradoxically a reminder of much deeper memories and grievances, including those related to memory suppression of past violence.

In the context of public amnesia, it has again fallen on families of victims and local community members and activists such as the Northern Advocacy Organization to hold vigils, sleep-ins and raise money for a memorial garden. In contrast to the Westgate Mall, the Garissa University Memorial Garden was opened on the premises of the school, with a memorial plaque listing the victims' names. From all these activities, 'the state was noticeably absent.'<sup>37</sup> No regular commemorative events would take place as, according to the Vice Chancellor 'anniversaries bring back bad memories.'<sup>38</sup>

---

<sup>35</sup> 'Students Fear Garissa University College: Principal,' Daily Nation, October 10, 2017, available at: <https://www.nation.co.ke/news/Garissa-University-College-gets-more-students/1056-4133450-fjvsymz/index.html>.

<sup>36</sup> see David M. Anderson, 'Remembering Wagalla: State Violence in Northern Kenya, 1962-1991,' *Journal of Eastern African Studies* 8 (4) (2014): 658-676; Hannah Whittaker, 'State Violence and Collective Punishment in Kenya's North Eastern Province, c.1963- Present,' *The Journal of Imperial and Commonwealth History* 43 (4) (2015): 641-657.

<sup>37</sup> 'Forgetting Westgate,' op cit 32.

<sup>38</sup> Stephen Astariko, 'Garissa Attack: Three Years On: No Events, Just Reflection,' The Star Kenya, April 2, 2018, available online at: <https://www.the-star.co.ke/news>.

Importantly, the fortification of the mall or later the university are aspects of a much broader push to securitization of public space and confrontation in the wake of the attacks. Accent on prevention, surveillance and local policing (under a *new nyumba kumi system*) was married to securitization of whole groups of people at the intersection of Muslim, Somali and refugee identity categories. The 2014 Usalama Watch campaign has hit urban areas like the Somali-dominated Eastleigh district and has led to detention of thousands in Nairobi's Kasarani stadium. Insecurity was meted out in the name of security. An extraordinary set of attacks has thus produced a more systematic and mundane sort of insecurity, the violence of round-ups, death threats, targeted killings and disappearances at the hands of the security forces. Whereas places like Westgate and Garissa at least stimulate debate on public amnesia, these 'far more encompassing'<sup>39</sup> spaces face a deeper memory void yet.

Public amnesia in Kenya is a productive type of silence. Even as Garissa or Westgate produce no public memorials or commemorations, their re-openings and rectifications do implicitly reify a text of the conflict as reducible to an attacker and resolvable through confrontation. The public forgetting is an active one— the void is meant to be a reminder of resilience and resolve, even as by many it is understood as expedient neglect branded as triumphalism. Importantly, active amnesia further justifies securitisation and confrontation as a form of resolution, even as these have proven counter-productive.<sup>40</sup> The excessive security on rectified sites obscures the insecurities that remain unaddressed through these measures and those meted out in response.

In neighboring Somalia, publically un-commemorated sites of Al Shabaab attacks abound but the politics of amnesia differs from that of Kenya in important ways. Somalia

---

<sup>39</sup> Samar Al-Balushi, 'Twenty Years On: The War on Terror in East Africa,' Social Science Research Council Items, August 7, 2018, available online at: <https://items.ssrc.org/twenty-years-on-the-war-on-terror-in-east-africa/>

<sup>40</sup> See e.g. Rorisang Lekalake and Stephen Buchanan-Clarke, 'Is Kenya's Anti-Terrorism Crackdown Exacerbating Drivers of Violent Extremism?,' Afrobarometer Dispatch No. 37 (July 2, 2015); Patrick Mutahi, Marjoke Oosterom and Jeremy Lind, 'Tagled Ties: Al-Shabaab and Political Volatility in Kenya,' Institute of Development Studies Evidence Report No. 130 (2015)

is the birthplace of Al-Shabaab and though the group is today the most important armed challenger to the still fragile central state, it emerged among and sits atop layers and decades of violence perpetrated by multiple actors. While informal commemoration of the civil war has taken many forms over the years, using poetic and fictional forms, as well as online community debates and notes,<sup>41</sup> the violence of the civil war has not been subject to systematic public redress or commemoration. The memory landscape remains extremely fragmented and politicized.<sup>42</sup> The 'mountains of memory'<sup>43</sup> to be scaled and the contestations around them are indeed profound.

It is in this context of a deadlock on memory that we must critically examine a recent attempt at introducing a public memorial in a thus far uncommemorated but iconic space of an Al-Shabaab attack. Sites of 'terrorist' violence in Somalia are multiple and include strategic urban spaces of markets such as Wadajir, intersections such as K-5 and hotels such as Nasa-Hablod. The largest and most impactful Al-Shabaab attack happened on October 14, 2017 at the K-5 intersection or 'Zoobe Junction' in Mogadishu, with a bustling market that has grown up around the junction. The K-5 attack did not only become the biggest casualty attack since 9/11, claiming 587 lives, but is also fairly recent, underlining the ongoing nature of the confrontation.

The K-5 attack has inspired a young, Italian-born Somali architect Omar Degan to design a public memorial for the space of the attack, a space which for now remains rectified, having returned to previous use without mark or ceremony. On November 3, 2017, Omar Degan has tweeted: 'I'm working on the project for the memorial to commemorate victims of the terrorist attack of 14 Oct. I will need your opinions and critique.' Some time later, Degan has posted detailed and meticulously thought-through

---

<sup>41</sup> See e.g. Lidwien Kapteijns, 'Making Memories of Mogadishu in Somali Poetry About the Civil War,' Chapter 1 in Lidwien Kapteijns and Annemiek Richters (Eds), *Mediations of Violence in Africa: Fashioning New Futures from Contested Pasts* (Brill, 2010): 25-75.

<sup>42</sup> H. Ingiriis, 'Many Somalia(s), multiple memories: Remembrances as present politics, past politics as remembrances in war-torn Somali discourses,' *African Identities* 14(4) (2016): 348-369.

<sup>43</sup> Ibid, 361.

designs of a sleek, abstract structure of tall stone slabs and a pathway in between, with Somalis depicted sitting in reflection and walking through the structure. Omar Degan's plan has attracted attention of the local Benadir Regional Administration officials, which are reviewing the proposal.<sup>44</sup>

If the design and attempts of Degan are commendable, difficult questions nonetheless arise. What does it mean that a first memorial of its kind comes to commemorate the recent, the spectacular, and the 'one-among-many'? In Somalia, 'there is nothing that pays homage to the war's victims,'<sup>45</sup> a war where Al-Shabaab has been merely one actor, and one among the most recent. 'Not to trivialize our losses,' a Somali observer notes, 'but what about the tens of thousands the Siyaad government massacred in the North? Just .. gonna ignore that? Forget a memorial, those victims can't even get an acknowledgement from the State.'<sup>46</sup> Many other 'what abouts' could be added. Two important and related issues nonetheless arise, that of partiality and exceptionality of one type of violence over another, and the process of memorial making itself.

First, the focus on the violence at K-5 excises 'terrorism' of Al-Shabaab from other sorts of violence that have also marked the urban space of Mogadishu, and of course much beyond. It risks to consolidate a dominant and decontextualised narrative that obscures local roots of Al-Shabaab and the reading of the group as continuation of insurgency on the margins of the state. It excises the state's own precarious legitimacy, its own role in fomenting the group's rise, its violent response. Importantly, the government risks to trade memorialisation of a globally-recognized 'enemy' (the *salafi jihadi* terrorist) to build its international standing and symbolic capital, while obscuring

---

<sup>44</sup> 'Somalia's first post-civil war memorial could be erected to the victims of the victims of its deadliest ever attack,' Saafi, December 19, 2017, available online at: <https://www.saafistudio.com/somalias-first-post-civil-war-memorial-erected-victims-deadliest-ever-attack/>

<sup>45</sup> Ibid.

<sup>46</sup> The online debate features here:

[https://www.reddit.com/r/Somalia/comments/7kos41/somalias\\_first\\_postcivil\\_war\\_memorial\\_could\\_be/?utm\\_content=comments&utm\\_medium=front&utm\\_source=reddit&utm\\_name=Somalia](https://www.reddit.com/r/Somalia/comments/7kos41/somalias_first_postcivil_war_memorial_could_be/?utm_content=comments&utm_medium=front&utm_source=reddit&utm_name=Somalia).

the deep divides that still preclude meaningful public memory-making and redress for past of violence on the ground. Partial memory making, externally-gearred legitimization through commemoration, and nation-building revolving around a 'terrorist' other risk to further public amnesia on an exceedingly difficult past.

Second, the process of memorial making at play here itself requires scrutiny. What we witness is not quite a top-down but neither a bottom-up process. Degan's is an individual attempt promoted widely on social media, and picked up by the local authorities; coming from the social networks to the local political arena. The process needs to be carefully calibrated to assure that it does not become politicized (as per above) and that it does not excise, symbolically downplay or inflate other types of violence, and the involvement of those who have suffered it.

In sum, the case of Kenya shows how rectified sites already 'act,' socially and politically, how active amnesia has the potential to entrench a confrontation. Both Kenya and Somalia equally show us that memory work can be polarizing if it focuses on one aspect of violence, dissecting it from a complex layering of others: in Kenya, if it focuses on the spectacle of mass sites, and evades the disappearances and the more mundane violence of the state, in Somalia, if the focus lies on spectacles of 'terrorist' violence, neglecting and symbolically erasing or disadvantaging other layers of non-state violence since the collapse of the state in 1990. This in turn ties to the discursively established exceptionality of violence labeled as terror and the tendency to portray it as extra-state and wielded against the state and citizens, rather than as co-produced with the involvement of the state.

This means that epistemic rectifications must accompany symbolic ones—the recognition and proper naming of the confrontation, its core drivers and constituent forces. This means de-exceptionalizing 'terrorist' violence, seeing it through the lens of a longer-term struggle and grievances, and not excising the state from its own complicity in re-producing the crisis. It calls us to both pay careful attentions to sites, to read sites

closely, but also to abandon the singularity of the site and read for silences and implications that reach beyond it.

## MEMORY IN CRISIS II

### CONCEPTUAL INVISIBILITIES: MASS DROWNINGS IN THE MEDITERRANEAN AND THE VIOLENCE OF TRANSIT

The violence of migrant transit across the Mediterranean opens another window on memory 'in crisis' and the interaction of amnesia (here of mass drownings) with the dynamics of ongoing confrontation (in the form of a system of control and deterrence). 'The past two decades have seen a dramatic rise in the number of such deaths,'<sup>47</sup> painting a picture of continued confrontation with a staggering cost. According to the IOM, between 2000-2014, an estimated 22,400 migrants perished at EU borders. In the first half of 2018 alone, 50,872 migrants and refugees arrived by sea to Europe and about 1443 died or were reported missing (IOM). Often, hundreds of migrants die in separate boat disasters that far from accidents are in fact a systematic and systemic cost of unsafe passage, an issue directly compounded by securitization of migration, criminalization of passage and the attendant deterrent and control measures, the 'illegality industry'<sup>48</sup> and the cultivation of indifference in the name of security.<sup>49</sup>

But the public amnesia in this case is arguably underpinned by deeper epistemic lacunae yet for we miss proper language that would render the violence and sites as objects of redress. Just as the refugee is the figure 'between sovereigns,' suspended outside the nation-state system, so is the grievability and the memory of their perishing

---

<sup>47</sup> Vicki Squire, 'Governing Migration Through Death in Europe and the US: Identification, burial and the crisis of modern humanism,' *European Journal of International Relations* 23, 3 (2017): 513-531.

<sup>48</sup> Ruben Andersson, 'Hardwiring the Frontier? The Politics of Security Technology in Europe's 'Fight Against Illegal Migration,' *Security Dialogue* 47(1): 22-39.

<sup>49</sup> Tugba Basaran, 'The Saved and the Drowned: Governing Indifference in the Name of Security,' *Security Dialogue* 46(3): 205-220.

lives. The memory is not claimed by origin states, transit countries, countries of destination, or indeed regional government and the international community. Grief, mourning, and memory are still nation-state bound.<sup>50</sup> But importantly, this does not only produce 'affective disconnections'<sup>51</sup> in Northern publics that can be counteracted by 'a caring common,'<sup>52</sup> it is the product of and further produces an epistemic and institutional lacunae.

There is no official architecture of redress because there is no concept of a violation committed. There is no concept of 'crimes of deterrence' or non-entrée regime crimes, a situation directly compounded by the condition of 'maritime legal black holes' and de jure rightlessness on sea.<sup>53</sup> Hence in contrast to the politics of amnesia in the 'war on terror' explored above, the issue here is not about selectivity and suppression, and it is not about indexing that which, on the sea, is unmarkable. Here we are not only faced with a reluctance to name, but rather a missing vocabulary and ontology of redress, which then undermines proper recognition and acknowledgment. The problem here is both more straightforward and more profound: It concerns the violence of conceptual invisibility.

The nature of the physical site also differs from our previous examples. The sites of Westgate and Garissa hold their memory, even if unexposed and contain a play of symbols and paradoxes that offer themselves to a critical alternative reading. Such archive on the seas is not available. Here we must begin 'before' and always already 'elsewhere' — if spatial reading is unavailable, we must nonetheless work with conceptual constructs, frames and vocabularies of the crime. We must erect an ontology

---

<sup>50</sup> Judith Butler, *Notes Toward a Performative Theory of Assembly*. Cambridge: Harvard University Press, 2015.

<sup>51</sup> Encarnacion Gutierrez Rodriguez, 'Political Subjectivity, Transversal Mourning and a Caring Common: Responding to Deaths in the Mediterranean,' *Critical African Studies* 10, 3 (2018)

<sup>52</sup> Ibid.

<sup>53</sup> Itamar Mann, 'Maritime Legal Black Holes: Migration and Rightlessness in International Law,' *European Journal of International Law* 29(2): 347-372.



that will (re)create the space of monumentation and allow for creative if displaced forms of public memory.

‘Intimate remembering [of migrant deaths] in the diaspora,’ writes Horsti<sup>54</sup> ‘is shaped by several types of absences’ as there are no bodies (many die without their bodies being recovered, those who are recovered are mostly buried anonymously<sup>55</sup>), no knowledge of burial sites, and family members live dispersed across the world. Despite these absences, informal ways of commemorating death on sea do exist and are organized both online and offline by diaspora relatives, artists and civil society activists. In lieu of official memory processes, cyber-memorials and print memorials have been erected and other forms of ‘mediated commemoration’<sup>56</sup> exist. Activities occur in physical space too. For example, the Eritrean survivors of the Lampedusa disaster have planted 366 plants in a memorial garden *Giardino della Memoria* on the island. More broadly, Eritrean diaspora has organized prayer vigils and commemorations that doubled as protests against the regime at home.<sup>57</sup> These are all forms of ‘mnemonic resistance,’<sup>58</sup> a way to ‘counter hegemonic silence,’<sup>59</sup> to overcome the absences and the frames that undermine visibility, grievability and redress of transit deaths. None of these however come to directly address and challenge the epistemic lacunae and the systematic nature of the violence.

A few nascent attempts by regional and national governments to commemorate deaths at sea can also be noted, but these are few and far between and peace-meal,

---

<sup>54</sup> Karina Horsti, ‘The Mediated Commemoration of Migrant Deaths at European Borders,’ *Media @LSE Working Paper Series* no. 46 (2017).

<sup>55</sup> See e.g. on the burying practices on the island of Lesbos, Greece: Iosif Kovras and Simon Robins, ‘Death as the Border: Managing Missing Migrants and Unidentified Bodies at the EU’s Mediterranean Frontier,’ *Political Geography* 55 (2016): 40-49.

<sup>56</sup> Horsti, *supra* n 53.

<sup>57</sup> Karina Horsti and Klaus Neumann, ‘Memorializing Mass Deaths at the Border: Two Cases from Canberra (Australia) and Lampedusa (Italy),’ *Ethnic and Racial Studies* 42,2 (2019): 141-158.

<sup>58</sup> Lorraine

Ryan, ‘Memory, power and resistance: The anatomy of a tripartite relationship,’ *Memory Studies* 4 (2) (2011): 154-169, cited in Horsti, *supra* n 53 at 6.

<sup>59</sup> *Ibid.*

focused on concrete disasters rather than a systematic issue requiring systemic redress. In 2015, the 'La Speranza Naufrata' (i.e. 'drowned hope') memorial was inaugurated by local authorities in a cemetery in Catania, Sicily. Nonetheless, the migrants buried in the site are anonymous, and the site is thus in more than one sense difficult to access for those who would like to mourn them. In the aftermath of the October 3, 2013 Lampedusa disaster that claimed more than 360 migrant lives, the Italian government went further. It not only organized funerals and anniversary events but also declared 3rd October, 2016 as the official day of commemoration of 'victims of immigration.'<sup>60</sup>

Rather than helping close up the conceptual lacuna, however, the representation of mass drowning victims as 'victims of immigration' is problematic. So has been the commemorative practice more broadly, showing us that, paradoxically, official memory work can consolidate forms of amnesia and preclude redress. To begin with, the language chosen absolves Italy of any implication and puts the death toll squarely on the abstract 'process' of immigration, and indirectly those who chose to undergo it. The representation is far from radical, quite the opposite. It does not urge any structural change in the country's approach, in the confrontation more broadly or in understanding and debating the death toll. The recent turning away of migrant boats from Italy's waters suggests as much. The commemorative practices surrounding the Lampedusa disaster have also themselves subverted their very stated intentions. If they created meaning, that it was not one for the victims. The relatives of drowned Eritreans could not travel to reach the memorial space, and instead officials of Eritrea in Italy were invited, representatives of the very regime that these refugees were fleeing. If these memory labors created value, it was symbolic capital for Italy, whilst the languages chosen and subversions of meaning enacted helped to consolidate amnesia rather than create recognition leading to systematic redress. More broadly, these cases

---

<sup>60</sup> Horsti, *supra* n 53 at 3.

show us clearly that concrete material monumentation and inscriptions of memory offer no guarantee that broader debates and reflections will be had, that these deaths are recognized, named, addressed, and ultimately, prevented. Memorials as ‘compensation’<sup>61</sup> are not memorials as redress, and in fact their erection can form a political attempt at ‘closure’ rather than an opening to further action.<sup>62</sup> Finally, we must understand that the Italian response, however fraught, remains also unique. ‘Since then, the lives lost in the Mediterranean have steadily grown and no further acts of national commemoration of these victims have taken place in Europe.’<sup>63</sup>

There are, however, some ongoing initiatives that can serve as an effective entry point to the sort of epistemic recognition and redress that is needed in the case of mass drownings. They comprise the simple but foundational acts of watching, monitoring, identifying, counting and listing. The Watch the Med group monitors migrant deaths, Mediterranean Hope has worked on identification, while Deaths at the Border database offers state-of-the-art counting based on official registry archives.<sup>64</sup> One initiative though merits special emphasis. In 2017, the newspaper Tagesspiel published ‘Die Liste’ (The List) of 33,000 names of migrants drowned in the Mediterranean. ‘The list’ was later printed in an updated form in the June 20, 2018 Guardian supplement to mark the 2018 World Refugee Day, with 34,361 names included. The importance of ‘the list’ is multifaceted. While it is not comprehensive, it does constitute an effective, powerful way to represent the cost of European deterrence, and the human insecurity produced at the heels of regional security policies.

Whilst *Die Liste* does not do explicit political work, it does serve as an important opening to precisely that. The list is a print memorial of sorts, both a statement and an

---

<sup>61</sup> Squire, supra n 53 at 513.

<sup>62</sup> See e.g. Edward Simpson and Stuart Corbridge, ‘The Geography of Things that may Become Memories,’ *Annals of the Association of American Geographers* 96,3 (2006):566-585.

<sup>63</sup> Rodriguez, supra n 57 at 355.

<sup>64</sup> Tamara Last et al, ‘Deaths at the Border Database,’ *Journal of Ethnic and Migration Studies* 43, 5 (2017)

event, with reprints doubling as important memorial events in themselves. It is a political statement and an archive, documentary evidence and a form of recognition. Listing names is a way to concretize and humanize the suffering in ways in which casually deployed statistics and peace-meal numbers aren't. It is circulated in ways in which databases are not, it is available and pressing for attention in ways in which sporadic memorials and events are not. The list thus demands attention, humanizes suffering and lays bare the size and systematic loss of life.

Perhaps most importantly, the list and the sheer scale of loss of life that it documents are an unmistakable proof of a systematic phenomenon that forces us to ask difficult questions typically reserved for transitional justice. There is no regime or war-to-peace transition present here. Rather, what we face is an ongoing confrontation between those willing to move to improve their life chances and a non-entrée regime set up to curtail that project, what Mark Duffield powerfully named as 'a global civil war...not between armies but at the level of existence itself.'<sup>65</sup> The massive and systematic loss of life poses pressing queries: How should we talk about violence of displacement? And in which ways does the way we *already* talk *or not* about the deaths on the Mediterranean impact the confrontation? How do we name and address violence visited systematically upon moving people, people spatially, temporally and conceptually at the interstice? Some reporters and activists have called the Mediterranean a 'mass grave.' If we take this term as more than a rhetorical embellishment, and recognize that mass drownings in the Mediterranean have a scale of a crime against humanity, who are the perpetrators? How do we offer redress for indirect crimes of deterrence? And who and how should act?

Epistemic redress means we need to begin with ontology, vocabularies and ways of naming and reframing the violence of transit. This is necessary for any public

---

<sup>65</sup>Mark Duffield, 'Global Civil War: The Non-Insured, International Containment and Post-Interventionary Society,' *Journal of Refugee Studies* 21(1), 145.

recognition that actually leads to meaningful redress. The interpretation of mass drownings as a systematic form of violence co-produced with direct involvement of the European countries diverges from and undermines the dominant representation of transit death. In the dominant narrative, migrants are portrayed as helpless victims rather than agents,<sup>66</sup> tragedy is attributed to 'criminal' smugglers, and responsibility for resolution is placed on the shoulders of states in Northern Africa and the Sahel. European states are excised from this frame. Yet if one fails to name all aspects of, sides to and nature of the confrontation, then it cannot be properly addressed and counter-acted. More than this, amnesia on transit deaths as a systematic phenomenon contribute to perpetuate the structures that produce it.

The case of one of the largest recent drownings off the coast of Egypt on April 9, 2016 where 500 people lost their lives demonstrates these framing dynamics well.<sup>67</sup> Initially, there was no official inquiry for the first seven months after the drowning. The investigations that followed were powerfully skewed in the blame they apportioned. The traffickers were said to perpetrate 'mass murder'<sup>68</sup> and North African states were urged to co-operate to bring down transit rings. The UNHCR divested itself of responsibility altogether, clarifying 'it is not a law enforcement agency and investigating sea disaster or transnational organized crime is beyond our means, mandate and expertise.'<sup>69</sup> Through statements such as this, the refugee agency does not only re-assert the very real limits of its mandate, it also reproduces the standard frame of crime and blame put on networks of smugglers. If international bodies are not mandated, national

---

<sup>66</sup> for an academic reversal of this frame see e.g. Dimitris Papadopoulos and Vassilis S. Tsianos, 'After Citizenship: Autonomy of Migration, Organizational Ontology and Mobile Commons,' *Citizenship Studies* 17(2) (2011) discussing the on the 'mobile commons of migration.'

<sup>67</sup> '500 Migrants Drowned at Sea. No one investigated,' Reuters, December 6, 2016, available at: <https://uk.reuters.com/article/uk-europe-migrants-egypt-ship-specialrep/special-report-500-migrants-drowned-at-sea-no-one-investigated-idUKKBN13V1DF>

<sup>68</sup> 'Sinking of Mediterranean Migrant Boat Mass Murder, Says UN Rights Chief,' *The Guardian*, September 19, 2014, available at: <https://www.theguardian.com/world/2014/sep/19/sinking-migrant-boat-mass-murder-un-rights-chief>

<sup>69</sup> 'Migrant Crisis: Europol to Investigate Egypt Mass Drowning,' BBC News December 6, 2016, available at: <https://www.bbc.co.uk/news/world-38211588>.

and regional power plays skew the lens powerfully. The ‘dealing with’ the atrocity is to squarely blame traffickers and to push countries in the Global South from Egypt to Libya to increase policing and prosecution of those who enable passage. There is no space in this discourse for recognition and redress of transit deaths as a systemic form of violence.

Epistemic redress must thus start with establishing mass drownings as ‘sites of violence’ in the first place, rather than unfortunate, episodic accidents attributable solely to illicit transit entrepreneurs. As of now, such nomenclature does not feature in the vocabularies and conceptual toolkit of policy. Transitional justice lacks a language of redress for the violence of transit. We need to place these deaths squarely into the framework of a systematic confrontation and recent academic literature has been experimenting with such shift in focus, speaking of ‘violence of contemporary bordering practices,’<sup>70</sup> or ‘biophysical violence’ of abandonment<sup>71</sup> symbolized by the infamous 2011 left-to-die boat case. Just as the death of shoppers or school children or Muslim citizens is placed within the context of a ‘confrontation with terror,’ so mass drownings must be placed into such context as migrants confront a powerful regime of deterrence. Both of these are profound insecurities with structural underpinnings. In both cases, amnesia enables securitization, fortification, and criminalization by silencing the confrontation’s costs, displacing blame and obscuring the nature of the confrontation. Through this, amnesia helps to fuel the confrontation rather than helping to resolve it.

## **CONCLUSIONS: ON EPISTEMIC REDRESS**

Rectified sites invite us to pay close attention to the anatomy, politics and conflict impact of absence, the labor of amnesia. This paper looked at two sets of un-

---

<sup>70</sup> Squire, *supra* n 53, at 514.

<sup>71</sup> *Ibid.*

commemorated or rectified sites in ongoing confrontations in an attempt to start understanding the links between amnesia and conflict. The paper finds that in both cases studied here, public amnesia does interact with conflict. It does not do this in a sequential way whereby amnesia leads to escalation, rather it does this in an embedded way whereby amnesia is part and parcel of enabling and entrenching the confrontation. In the case of the 'war on terror,' amnesia rephrased as triumphalism opens doors to a heavy-handed response and excises state complicity in producing and reproducing insecurity. In the case of migrant boat disasters, amnesia reaches deeper, as migrants fall out of established paradigms of memorial redress. Amnesia here is also about excision, as migrant deaths are parceled, rather than named and seen as a systematic phenomenon. Mass deaths at sea become 'accidents' rather than sites of violence in a confrontation whose parameters are given by powerful structures and where destination countries play a key part. The drowned are displaced after their death epistemologically, moved to an abstract plane as 'victims of immigration.' The violence leads to further criminalization of transit entrepreneurs and further securitization and policing of transit routes, even if now moved further south. Amnesia in both cases entrenches the confrontation through defensive security acts that excise and exclude memory, forego proper naming, and thus preclude meaningful redress.

By looking at rectified sites of violence, the paper pushes the paradigmatic binds of TJ and challenges our notions of when its questions and concerns apply. It is merely a first step inviting conceptual mapping. It calls for further exploration of concepts including interstitial justice, transit justice, (mass) crimes of deterrence, and memory of (counter)terrorism. Epistemic exploration of this kind represents a form of redress comprising reframing and naming, and ontological redress by properly asserting order and naming its constituent parts. The motor towards action on this front should be our knowledge, demonstrated here on two distinct examples, that amnesia is not a mere

unfortunate outfall of politicized, ongoing conflicts, but helps constitute and perpetuate them. Amnesia is a form of memory labor that has constitutive power.

The interstitial sites that bear the marks of these confrontations are not simply reflections and symbols to be read and excavated off their physical traces or absences. Neither are they 'separate' terrain of meta-conflict, parallel to conflict itself. Forms of remembrance and amnesia are part and parcel of conflict dynamics, but if this means that they can be co-opted and can deepen polarization, so they offer us a way to transform conflict in a different direction through acts of analytic attention, visibilization and defiance, through purposeful search for new languages of redress and recognition.